

ORDINANCE NO. 2012-2
AN ORDINANCE PROHIBITING OR REGULATING THE OWNING OR KEEPING
OF DANGEROUS ANIMALS INCLUDING PIT BULL DOGS AND PROVIDING
FOR PERMITS FOR CERTAIN DANGEROUS ANIMALS, AND PROVIDING
PENALTIES FOR VIOLATIONS.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MIDFIELD, ALABAMA, as follows:

Section 1. Definitions.

- (1) "Owner" as used in this Ordinance means any person, firm, corporation, organization or department possessing, harboring or having the care or custody, whether temporarily or permanently, of a Pit Bull, Vicious, or Dangerous dog.
- (2) "Vicious Dog" as used in this Ordinance means any dog with a propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals; or any dog which without provocation, attacks or bites or has attacked or bitten, a human being or domestic animal; or any dog owned or harbored primarily or in part, for the purpose of dog fighting or any dog trained for dog fighting, or any dog which has been found to be vicious by any Court in a trial or hearing upon a charge of harboring a vicious animal.
- (3) "Dangerous Dog" as used in this Ordinance means: A) Any dog which, because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this Ordinance. B) Any dog which, when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property.
- (4) "Pit Bull" as used in this Ordinance means: any Pit Bull Terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terriers to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

Section 2. Pit Bulls, Vicious, and Dangerous Dogs

- (a) Prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City.
- (b) 30 days after passage of Ordinance it shall be unlawful to purchase, breed or adopt any vicious animals as described below within Midfield City Limits,
 - (1) Any Pit Bulls, Vicious, and Dangerous Dogs: provided, that dogs registered with the city on the date of publication of this section and pay annual \$125.00 registration fee per animal may be kept within the city subject to the standards and requirements set forth in subsection (b) of this section. "Pit bull dog" is defined to mean:
 - (a) The bull terrier breed of dog;
 - (b) Staffordshire bull terrier breed of dog;

- (c) The American pit bull terrier breed of dog
 - (d) The American Staffordshire terrier breed of dog;
 - (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs, or pit bull terriers;
 - (f) Any dog which has the appearance and characteristics of being predominantly of the breeds bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull tenders; or a combination of any of those breeds.
- (2) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
 - (3) Any dog which attacks a human being or other domestic animal without provocation.
- (b) Keeping of registered pit hulls, vicious, and Dangerous Dogs. The provisions of subsection (a) of this section are applicable to owners, keepers or harbinger of pit bull dogs, vicious, and dangerous dogs registered with the city on the effective date of this section. The keeping of such dogs, however, shall be subject to the following standards:
 - (1) Leash and muzzle. No person shall permit a registered pit bull, vicious, and dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit such dogs to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts buildings etc. In addition, all such dogs on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals,
 - (2) Confinement. All registered dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house such dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
 - (3) Confinement indoors. No pit bull, vicious or dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
 - (4) Signs. All owners, keepers or harborers of registered dogs within the city shall within ten days of the effective date of this section display in a

prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

- (5) Insurance. All owners, keepers or harborers of registered dogs must within ten days of the effective date of this section provide proof to the city clerk of public liability insurance in a single incident or \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days written notice is first given to the city clerk.
- (6) Identification photographs. All owners, keepers or harborers of registered dogs must within ten days of the effective date of this section provide to the city clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.
- (7) Reporting requirements. All owners, keepers or harborers of registered dogs must within ten days of the incident, report the following information in writing to the city clerk as required hereinafter:
 - (a) The removal from the city or death of a registered dog.
 - (b) The birth or offspring of a registered dog.
 - (c) The new address of a registered dog owner should the owner move within the corporate limits.
- (8) Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way dispose of a dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.
- (9) Animals born of registered dogs. All offspring born of dogs registered with the city must be removed from the city within eight weeks of the birth of such animal.
- (10) There shall be an irrefutable presumption that any dog registered with the city or any of those breeds prohibited by subsection (a) of the section is in fact a dog subject to the requirements of this section.
- (11) Failure to comply. It shall be unlawful for the owner, keeper, or harborer of a dog registered with the city to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animals resulting in the immediate removal of the animal from the city.
- (12) Violations and penalties. Any person violating or permitting the violating of any provision of this section shall, upon conviction be fined a sum of not less than \$200.00 and not more than \$500.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment for a period not to exceed 30 days. In addition, the court shall order the registration of the subject dog be revoked and the dog removed from the city. Should the

defendant refuse to remove the dog from the city, the judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay ail expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

- Section 3 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
- Section 4 That this ordinance shall become effective immediately upon its passage and approval by the City Council and Mayor of the City of Midfield, Alabama, or its publication or posting, or its otherwise becoming law.

ADOPTED this the 11th day of June 2012

Attest:

Tameeka E. Vann
Tameeka E. Vann, City Clerk

Gary R. Richardson
Gary R. Richardson, Mayor